

ARTICLE APPEARED
ON PAGE A-1

NEW YORK TIMES
18 October 1983

American Is Arrested on Charges Of Selling Poland Missile Secrets

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Special to The New York Times

SAN FRANCISCO, Oct. 17 — A Silicon Valley technician has been arrested on charges that he delivered important ballistic missile research data to a Polish spy who paid him \$250,000, the Federal authorities said today.

The suspect, James Durward Harper Jr., appeared this morning before a Federal magistrate who ordered him held to a preliminary hearing Oct. 27.

"I have no intention of hiring a lawyer," Mr. Harper said. "My intent is to cooperate with the Government in every way I can to expedite the proceedings."

The documents dealt with "extremely sensitive" research aimed at enabling "the Minuteman missile and other strategic forces of the United States to survive a pre-emptive nuclear attack by the Soviet Union," according to an affidavit filed in support of the Government's charge. The Government charged that Mr. Harper sold the material to the Polish spy who then delivered it to Soviet agents.

The affidavit, signed by Allan M. Power, an agent of the Federal Bureau of Investigation, said the documents had been evaluated by John Cunningham, acting director for technology of the Army's Ballistic Missile Defense Program. A Defense Department spokesman in Washington said, "We will make no damage assessment beyond that."

Mr. Harper worked as a power supply engineer at the Solectron Corporation, which has several offices in Santa Clara County, but the Government asserted that the source of the documents was his wife, Ruby Louise Schuler Harper, who worked at Systems Control Inc. and Systems Control Technology, both in Palo Alto.

Mrs. Harper worked 10 years for the company and was a secretary-typist and then executive secretary. The Government said Mrs. Harper, who had security clearance, took her husband, who had no clearance, into the offices on weekends and at night. Investigators say they subsequently found his fingerprints on some secret documents, copies of which were reputedly sold to the Polish spy.

Mystery About Marriage

Mrs. Harper died June 22 at the age of 39. Her death certificate says she died of cirrhosis of the liver due to alcoholism, according to Santa Clara County Health Department records. Government documents filed with the charges against Mr. Harper quote his wife as saying to a friend on June 4: "There is a reason that Jim and I got married that only he and I know. I can't tell you or anyone else and I never will."

Mr. Harper, who is 49, was divorced from a previous wife on Aug. 6, 1979 and moved into his second wife's apartment after he married her in October 1980. He was arrested Saturday at the apartment in Mountain View where they had lived and where he subsequently lived with his third wife, whom he married Sept. 11.

William T. McGivern, chief assistant United States Attorney here, and Robert S. Gast, the agent in charge of the F.B.I. office here, appeared at a news conference today to announce the arrest. The Government's documents said Mr. Harper had told his lawyer that he split the money for the documents one-third to himself, one-third to his source and one-third to William Bell Hugle, who introduced him to the Polish spy.

Hugle Was Questioned

The two officials were guarded in what they said of Mr. Hugle, who they said operates B & B Associates, a San Jose concern. The company did not answer its telephones today. Asked where Mr. Hugle was, Mr. McGivern said, "At home, I hope."

Asked why, in view of what they said about him, Mr. Hugle was not in custody, Mr. Gast said, "The investigation is continuing." Mr. Gast said Mr. Hugle had been questioned, but he declined to comment on whether Mr. Hugle answered the questions or was cooperating with the Government.

Mr. Power's affidavit outlines the Government's case. It reads like a synopsis for a spy novel. It reveals the existence of a Central Intelligence Agency double agent in the Polish intelligence agency. The name of the "mole" is never disclosed, but he was used by American agents to verify certain aspects of the investigation.

According to the affidavit and an interview with William Dougherty, a southern California lawyer who represented Christopher Boyce, a convicted spy, this is how the case developed:

Mr. Harper began dealing with the Poles in 1975 when he was "introduced by Hugle to two persons who had a 'shopping list' of high technology information and devices desired by Polish authorities in Warsaw," the affidavit said.

He met in Europe with Mr. Hugle and Zdzislaw Pryzchodzien, the Polish intelligence officer whom Mr. Harper dealt with and who was known to him as "the Minister." The two Americans met in 1979 in Geneva. Then Mr. Hugle went to Vienna and Mr. Harper went to Paris, and the two proceeded to Warsaw.

After that meeting Mr. Harper gathered 50 to 100 pounds of documents which he reduced in bulk by photographing the title and contents pages and first chapters to make a one-inch stack of papers. In October 1979 he met in Vienna with Mr. Hugle and Mr. Pryzchodzien and passed over the papers.

Corroboration by Agent

The Polish intelligence mole corroborated this for the American investigators by saying that he had heard of Mr. Hugle introducing an American businessman who wanted to retire and would sell documents for \$1 million. The double agent said that on June 5, 1980, in Warsaw, the American businessman turned over a large volume of documents about the Minuteman missile.

The mole said the documents were in bad condition from exposure to moisture but that a team of about 20 K.G.B. analysts and engineers flew from Moscow to evaluate the material, which they examined at the Soviet Embassy in Warsaw.

"The Soviets agreed to pay the American what he wanted for the documents," the mole is quoted in the affidavit as saying. Acquisition of the documents was so important that two commendations were made to the Polish intelligence officers responsible, he added.

At the first formal ceremony, attended by the head of Polish intelligence, on July 22, 1980, the officers were honored by their Government. That night, at an annual staff meeting of double agent's intelligence unit attended by a K.G.B. officer and the Polish intelligence director, "a commen-

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